

### REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 53 through 61, all newly-presented, are pending, with Claims 53, 55, and 59 being independent. Claims 20 through 24, 29 through 32, and 42 through 52 have been cancelled without prejudice.

### REQUEST FOR CONFIRMATION OF ENTRY OF SUBSTITUTE SPECIFICATION

Applicant again respectfully requests confirmation, in the next Official Communication from the U.S. Patent and Trademark Office, that the substitute specification filed October 22, 2003 has been entered.

In this regard, Applicant gratefully notes the indication in the Official Action that the substitute specification has been received, and Applicant wishes to confirm that such constitutes an indication that the substitute specification has been entered.

Favorable consideration in this regard is earnestly solicited.

### FURTHER REMARKS

Claims 20 through 24, 29 through 32, and 42 through 52 were rejected under 35 U.S.C. § 103 over the article by Ioannidis, et al., IP-Based Protocols for Mobile Internetworking (1991) (Ioannidis, et al.) in view of U.S. Patent No. 5,371,852 (Attanasio, et al.). All rejections are respectfully traversed.

Claim 53 recites, *inter alia*, that network-level tunnelling, creating a packet having a plurality of network layer source addresses and a plurality of network layer destination addresses, takes place in the apparatus below the network layer but above the physical layer.

Claim 55 recites, *inter alia*, that a driver operating below the IP layer and above the hardware layer comprises means for performing IP-within-IP encapsulation of an IP packet received by the driver from the IP layer (in combination with an application that uses HTTP).

Claim 59 recites, *inter alia*, performing IP tunnelling when sending an HTTP request from a web browser on a first apparatus, wherein the IP tunnelling is performed by a driver operating on the first apparatus below an IP layer of the first apparatus and above a hardware network interface of the first apparatus.

However, Applicant respectfully submits that neither Ioannidis, et al. nor Attanasio, et al., even in combination, assuming, arguendo, that the documents could be combined, discloses or suggests at least the above-discussed claimed features as recited, *inter alia*, in Claims 53, 55, and 59.

In this regard, Applicant notes that Ioannidis, et al. shows that in the output routine of the IP layer in the MSS, the IP datagram is encapsulated in an IP datagram of type IPPROTO\_IPIP, and that the resulting IP datagram therefore has two IP source addresses and two IP destination addresses. Applicant respectfully submits that since the foregoing takes place in the output routine of Ioannidis, et al.'s IP layer, that Ioannidis, et al. therefore is manifestly silent as to the above-discussed features

including the various recitations of “below” and “above” in Claims 53, 55, and 59, let alone such features in a driver as recited in Claims 55 and 59.

Furthermore, the assertion in the Official Action that it would be obvious to make parts integral is respectfully traversed, and it is respectfully submitted that even if the MH and MSS of Ioannidis, et al. could be combined as implied in the Official Action, *arguendo*, such would not result in the above-discussed claimed features.

Meanwhile, Attanasio, et al. discloses, e.g., that a frame header is stripped from the front of the packet, which also provides neither a description or suggestion of at least the above-discussed claimed features.

The Official Action makes reference to rlogin (port 513) and NFS (port 2049) from Attanasio, et al. and asserts that such is an application that generates an HTTP request or a web browser. This reference is respectfully traversed. Applicant respectfully points out that neither rlogin nor NFS have anything to do with generating an HTTP request or web browsing. In the absence of a cited document, such reliance in the Official Action is respectfully traversed. MPEP 2144.03.

It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features.

Applicant submits that by means of such features, for example, it is possible to use a driver or driving means of the present invention in combination with a standard TCP/IP stack, to achieve the result having the another or second IP header. Applicant submits that an advantage of being able to so use a standard TCP/IP stack is

that an operating system typically does not allow modification to the IP network layer of the TCP/IP stack. Of course, the claims are not limited to the disclosed embodiments.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. For example, Claims 54, 56, and 61 recite the driver's ethernet driver interface, which is not to be found anywhere in the cited documents. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

#### REQUEST FOR INTERVIEW

If any questions remain, Applicant respectfully requests that the Examiner contact Applicant's representative, Craig L. Plastrik, at (301) 601-7252 to schedule a personal interview. Favorable consideration in this regard is earnestly solicited.

#### REQUEST FOR ENTRY OF AMENDMENT

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. Furthermore, Applicant respectfully submits that a full appreciation of these amendments will not require undue time or effort given the Examiner's familiarity with this application. Moreover, this Amendment was not earlier presented because Applicant earnestly believed that the prior Amendment placed the

subject application in condition for allowance. Accordingly, entry of this Amendment under 37 C.F.R. § 1.116 is respectfully requested.

CONCLUSION

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached at (301) 601-7252. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

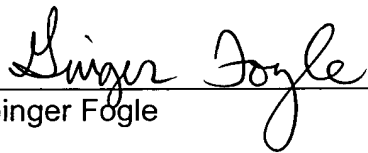


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Craig L. Plastrik  
Attorney for Applicant  
Registration No. 41,254

HUGHES NETWORK SYSTEMS, LLC  
Customer No. 29158

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 13, 2006.

  
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